

U.S. Patent Application Serial No. 09/023,416
Response dated September 8, 2003
Reply to the Final Office Action of April 17, 2003

REMARKS

Claim 1 is in the application and stands finally rejected as being anticipated by Kumada under 35 U.S.C. §102(b). By this Amendment, amendments are made to claim 1 in order to enhance the clarity of the claim thereby to facilitate an understanding of the claimed structure and, concomitantly, the differences that exist between the claimed invention and the reference.

The interview accorded Applicants' attorney by the Examiner is gratefully acknowledged. At the interview, the principle issue discussed was the presence, or lack thereof, of a suggestion or teaching of the claimed invention being contained in the patent to Kumada. As indicated at the interview and as repeated in this Amendment, it is Applicants' position that the specification clearly indicates that a principle object of the invention is, in order to provide fluid control apparatus for use in semiconductor manufacture which are more compactly constructed whereby a greater economy of space can be obtained, and further to extend the use of standardized components it is contemplated to provide joint members for connecting, for example, mass flow controllers to on-off valves and for connecting on-off valves to one another without the use of tubes (pg. 3, lines 18 to 24 of the specification), wherein the joint members identified as 30 to 38 in the drawings contain a channel (identified by broken line 108 in Fig. 3(b)) for holding the inlet and outlet of adjacent valves in mutual fluid communication.

According to the invention, in order to eliminate the need for external tubing, the joint member channels 108 that interconnect adjacent elements in fluid communication comprise passages, such as those shown at 31a, 33a, 34a, 36a and 39a in Fig. 4, which in the claim currently

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on file in the application, are defined as being “internal passages communicating with ports of the valves and operatively interconnecting said valves and fluid controllers in selected fluid flow relation.”

It is respectfully submitted that the apparatus disclosed in the Kumada patent involves structure which is the antithesis of the structure defined in current claim 1 in the application and even further removed from the structure of claim 1 amended as proposed herein. The Examiner’s position, as expressed at the interview, that the “through holes 46” of Kumada correspond to the claimed “internal passages” is untenable for the reason that the claim requires that the internal passages of the joint members operatively interconnect the valves and the fluid controllers in fluid flow relation. Clearly, Kumada’s passages 46, absent the external piping represented by the “U-shaped tubes 45-1 to 45-4”, do not interconnect anything because the word “interconnect”, by definition, means, “to connect with one another.” As shown, Kumada’s passages 46 connect with ends of U-shaped tubes and not with one another. Consequently, the rejection of claim 1 based upon the Examiner’s interpretation of the Kumada reference is incorrect and should be withdrawn.

On the other hand, Applicants, by amendment to claim 1 hereof, make explicit what had been implicit previously to even more distinctly distinguish claim 1 from the Kumada device by further defining the “joint members” as each containing passages extending entirely internally within the associated joint member to communicate with ports of the valves and interconnect the valves and the fluid controllers in selected fluid flow relation.

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Accordingly, it is respectfully submitted that claim 1, both as currently installed in the application and as proposed by this Amendment, indeed distinguishes over Kumada. Claim 1, particularly in the amended form hereof, is clearly patentable over Kumada and should therefore be allowed.

In view of the above, Applicants respectfully request that the Examiner enter this Amendment in the case and pass the application to issue. In the event the Examiner is constrained to retain the rejection of claim 1 in the application, it is requested that the Examiner nonetheless enter the amendments to the claim herein in order to place the application in better condition for appeal.

On the other hand, however, if the Examiner finds that minor revision is still required to render the claim in the application satisfactory, it is requested that he call the Applicants' attorney at the telephone number indicated below in order to expedite the changes required to place the application in condition for allowance.

If, however, as was intimated at the interview, the Examiner intends to institute yet another rejection against the claim of the application based upon prior art not previously applied in the case, it is respectfully requested that any such rejection be accompanied by a withdrawal of the final rejection hereof in order that the need for filing a new patent application by Applicants is avoided, particularly since, as pointed out hereinabove, the rejection of the claim of this application is improper and was improper when it was used to withdraw Applicants' appeal, from consideration by the Board of Patent Appeals.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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